

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
March 20-24, 2000

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
3-20	CANC	27,229	DraftWorld-wide, Inc. v. Arnold Communications, Inc.	Seeherman Chapman* Bucher	2(d)	Petition to Cancel Granted	"BRAND ESSENCE" [research services linking direct marketing with brand building]	"BRAND ESSENCE" [business and market analysis and research services]			No
3-20	EX (R)	75/437,487	Vern Verneulen	Seeherman* Wendel McLeod	2(d)	Request for Reconsideration Denied (Refusal Affirmed)		"FACIAL MAGIC" [clay mask for toning and smoothing the skin]	"FACE MAGIC" [foundation make-up with sunblock]	Wallace	No
3-20	EX	75/266,500	Approved Federal Savings Bank	Hairston Bucher* McLeod	2(e)(1)	Refusal Affirmed		"APPROVED FEDERAL SAVINGS BANK" [banking services]		Lee	No
3-21	EX	75/228,615	AT&T Corp.	Hairston Walters Wendel*	2(d)	Refusal Reversed		"MAKING THE INTERNET REALLY WORK FOR BUSINESS" [educational services, namely, providing conferences, seminars and training sessions relating to global computer information networks and telecommunications services]	"MAKING TECHNOLOGY WORK FOR BUSINESS" [computer consulting services, namely, computer software design for others, computer system analysis for others, computer programming for others and selection of computer equipment for others]	Mays	No
3-21	EX	75/216,795	Therma-Tru Corp.	Seeherman* Hanak Rogers	2(e)(3)	Refusal Affirmed		"CAMBRIDGE" [door lites, namely, glass or plastic inserts for doors]		Yard	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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3-21	EX EX	74/702,921 74/702,842	Belvedere Int'l. Inc.	Simms Wendel* Bucher	Section 6 disclaimer requirement (of word NATUR-AL'S) [<i>as to mark</i> OUTBACK NATUR-AL'S]; 2(e)(3) [<i>as to mark</i> DOWN UNDER NATUR-AL'S]	Refusal Affirmed (in both cases)		"OUTBACK NATURAL'S" and "DOWN UNDER NATURAL'S" [<i>both marks for hair care products, namely, shampoo, conditioner, hair spray, mousse, gel spritzer</i>]		Carroll	No
3-21	EX	75/246,404	Michael L. Whalen	Cissel Hanak (D) Walters*	2(d)	Refusal Affirmed		"THUNDER BAY GRILLE" [restaurant services]	"THUNDER BAY" [sauces for meat, fish, poultry, pasta, desserts, namely cakes, cookies, pies and ice cream, mixes for making breads, waffle pancakes, and cakes]	Cordova	No
3-21	EX EX	75/326,773 75/327,725	Clark Retail Enterprises, Inc.	Simms Bucher* Holtzman	2(e)(1)	Refusal Affirmed (in both cases)		"GREAT GAS. GREAT PRICE." [convenience store services and wholesale distributorship featuring gasoline <i>and</i> self service gas stations]		Michos	No

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3-22	CANC	20,485	Zelco Industries, Inc. v. Diamond Brands Inc.	Quinn* Hohein Bottorff	2(d)	Petition to Cancel Granted	"SUPERMATCH FXL" [lighters for barbecues, fireplaces, gas ovens, wood stoves and other products which require a long-reaching flame source]	"SUPERMATCH" [firestarting briquettes for use with barbecue grills, wood stoves or fireplaces]			No
3-22	EX	75/237,873	Old Mexico Brand, Inc.	Hanak Hairston Walters*	2(d)	Refusal Affirmed		"OLD MEXICO KITCHENS" (and design) [prepared Mexican entrees consisting primarily of enchiladas made with beef and/or chicken and enchilada and tamale dinners made with chicken, beef and meat filling for tacos]	"OLD MEXICO" [tortillas]	Givens	No
3-23	OPP (SJ) (MD)	110,741	Regal Ware, Inc. v. Tiger Corp.	Seeherman Chapman Bucher [Opinion "By the Board"]	2(d); 2(e)(1); 2(e)(3)	Opposition Sustained [motion to dismiss granted as to 2(d) grounds; motion for summary judgment granted as to 2(e)(1) and 2(e)(3) grounds]	"SAHARA" [cooking utensils, sauce pans, Dutch ovens, fry pans, skillets, tea kettles, double boilers, griddles, and casseroles]	"SAHARA" [vacuum bottles, thermal containers for boiled rice, and thermal pots and pans for cooking]			No

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3-23	EX	75/137,067	Lucky Brand Dungarees, Inc.	Seeherman Walters* Holtzman	whether the matter applicant seeks to register is inherently distinctive or merely product ornamentation; whether that matter has acquired distinctiveness under Section 2(f)	Refusal Affirmed		a rectangular label placed at a particular location on the back side of applicant's goods [pants, jeans, shorts, bottoms, dresses, skirts, jumpers, jumpsuits, rompers, and overalls]		Altree	No
3-23	EX EX EX EX	75/264,985 75/264,986 75/264,987 75/264,988	Animation Science Corp.	Hairston Chapman* Bottorff	2(e)(1) [as to word marks]; Section 6 disclaimer requirement (of words ANIMATION SCIENCE) [as to word and design marks]; requirement for more definite identification of services [as to the service marks]	Refusal Reversed as to Section 2(e)(1) and Section 6 disclaimer requirements; Refusal Affirmed as to requirement for more definite identification of services		"ANIMATION SCIENCE" <i>and</i> "ANIMATION SCIENCE" (and design) [<i>both marks for</i> computer software for animation and for the graphic simulation of processes and phenomena for use in various applications <i>and</i> computer software development and project management; training and software support and other consultation services in connection with computer software]		Vanston	No

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3-23	EX	75/133,220	Verrerie Cristallerie d'Arques, J. G. Durand et Cie.	Quinn Walters Bottorff*	2(d)	Refusal Affirmed		"CHEERS!!!" [beer mugs]	"MEET ME IN CHEERS" (and design) [beverageware, namely, drinking glasses, mug coffee cups and shot glasses]	Gilbert	No
3-24	EX	74/217,815	CraneVeyor Corp.	Hanak (D) Quinn Holtzman*	2(d)	Refusal Affirmed		"CV TRANSLIFTER" [overhead crane systems]	"TRANSLIFT" [hoisting and transport devices, namely, manually, electrically and pneumatically driven cranes, etc.]	Watson	No
3-24	OPP	107,884	Taco John's Seasonings Ltd. Partnership v. Kenneth Walter Kniaz	Seeherman Hairston Bottorff*	2(d)	Opposition Dismissed	"TACO JOHN'S" [restaurant services and various food items]	"TACO JONES" [restaurant services]			No

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